

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**VS.**

**MATTHEW KENNEDY,**

**Defendant.**

**CASE NO. 8:10CR314**

## ORDER

This matter is before the Court on Defense Counsel's Motion to Withdraw (Filing No. 59). On February 10, 2012, the government filed a Motion to Reduce Sentence Pursuant to Rule 35(b) (Filing No. 54). In August 2013, the government advised the Court that its Rule 35 motion was ripe for decision. On August 28, 2013, the hearing was scheduled for September 30, 2013, pursuant to an Amended Order (Filing No. 58). While the Court is sympathetic to defense counsel's concerns, Defense counsel was aware of the pending motion for more than one year. Because the hearing is scheduled to occur in less than 30 days, it is not practicable to suggest the defendant retain new counsel. The Court will permit Defense Counsel to participate telephonically for the hearing, rather than in person, to save time and expense for counsel.

IT IS ORDERED that

1. Defense Counsel's Motion to Withdraw (Filing No. 59) is denied;
2. If Defense Counsel intends to participate telephonically, he must notify chambers at least three (3) business days before the hearing and provide his telephone number; and
3. If the defendant wishes to participate telephonically in the hearing, his attorney must notify chambers at least three (3) business days before the hearing of the telephone number and contact person at the institution which defendant is incarcerated.

DATED this 4<sup>th</sup> day of September, 2013.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge